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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-82**

12 **GUADALUPE ELIZABETH OLIVARES,**  
13 **a.k.a. GUADALUPE ELIZABETH RUIZ**  
19465 Red Hawk Road  
Walnut, CA 91789

**A C C U S A T I O N**

14 Registered Nurse License No. 571045

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about August 28, 2000, the Board of Registered Nursing issued Registered  
23 Nurse License Number 571045 to Guadalupe Elizabeth Olivares, aka Guadalupe Elizabeth Ruiz  
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
25 the charges brought herein and will expire on October 31, 2013, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

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1           9.       Section 726 of the Code states:

2           "The commission of any act of sexual abuse, misconduct, or relations with a patient,  
3 client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any  
4 person licensed under this division, under any initiative act referred to in this division and under  
5 Chapter 17 (commencing with Section 9000) of Division:

6           "This section shall not apply to sexual contact between a physician and surgeon and his or  
7 her spouse or person in an equivalent domestic relationship when that physician and surgeon  
8 provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person  
9 in an equivalent domestic relationship."

10                               **FIRST CAUSE FOR DISCIPLINE**

11                               **(Sexual Misconduct)**

12           10.       Respondent is subject to disciplinary action for unprofessional conduct under  
13 Business and Professions Code section 2761, subdivision (a), in conjunction with section 726 in  
14 that between July and November of 2010, Respondent committed acts of sexual abuse,  
15 misconduct, and/or relations with patient MS , by reason of the following facts:

16           a.       At all relevant times herein, Respondent, age 42<sup>1</sup>, was employed as a  
17 registered nurse at the Kaiser Permanente Hospital in Baldwin Park (Kaiser),  
18 assigned to work in the "Infusion Center." Respondent's duties at the Infusion  
19 Center involved administering chemotherapy treatments, administering  
20 medications, starting intravenous lines, setting up port access, and doing  
21 assessments.

22           b.       At all relevant times herein, MS, age 67<sup>2</sup>, was a male patient who had been  
23 diagnosed with cancer of the colon, who was receiving cancer related medical  
24 treatment at Kaiser.

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27           1. Year of birth - 1968

28           2. Year of birth - 1943

c. Between approximately December 9, 2009 and October 22, 2010, his treatment included 64 sessions of chemotherapy, which MS received at the Kaiser Infusion Center. A single chemotherapy treatment at the Infusion Center typically lasted 2 – 6 hours, but sometimes took longer. Respondent administered at least 24 chemotherapy treatments to MS at the Infusion Center on the following dates:

	DATE	TIME
1	12/10/09	8:30 a.m.
2	12/24/09	7:30 a.m.
3	2/20/10	2:00 p.m.
4	4/3/10	11:00 a.m.
5	4/17/10	12:00 p.m.
6	4/28/10	9:30 a.m.
7	5/10/10	8:00 a.m.
8	5/12/10	8:30 a.m.
9	5/14/10	1:30 p.m.
10	5/27/10	9:30 a.m.
11	6/24/10	9:00 a.m.
12	7/1/10	9:00 a.m.
13	7/8/10	6:00 p.m.
14	7/29/10	9:00 a.m.
15	8/5/10	9:00 a.m.
16	8/19/10	10:30 a.m.
17	8/24/10	8:00 a.m.
18	9/2/10	9:00 a.m.
19	9/7/10	8:30 a.m.
20	9/9/10	10:00 a.m.

21	9/23/10	8:30 a.m.
22	10/05/10	8:30 a.m.
23	10/07/10	10:00 a.m.
24	10/22/10	7:00 p.m.

d. Respondent and MS developed a friendship, and eventually began communicating via internet social networking sites and electronic mail. In approximately April or May of 2010, Respondent and MS began meeting secretly at locations other than Kaiser, where they kissed and were physically intimate.

e. On approximately July 21, 2010, Respondent and MS began a sexual affair which continued until MS's wife discovered the relationship in November of 2010. Between July and November of 2010, Respondent had sex with MS on multiple occasions, including at least seven (7) instances when Respondent and MS rented a motel room in order to have sexual intercourse.

#### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 571045, issued to Guadalupe Elizabeth Olivares, aka Guadalupe Elizabeth Ruiz;
2. Ordering Guadalupe Elizabeth Olivares to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/24/2012

*for* LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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